



Signature Report

March 3, 2006

Ordinance

Proposed No. 2006-0112.1

1 AN ORDINANCE relating to code interpretations; amending
2 Ordinance 14033, Section 4, and K.C.C. 2.100.030, Ordinance
3 14033, Section 5, and K.C.C. 2.100.040 and Ordinance 14033,
4 Section 6, and K.C.C. 2.100.050 and repealing Ordinance
5 14033, Section 9, as amended, and K.C.C. 2.100.900.

6
7
8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Ordinance 14033, Section 4, and K.C.C. 2.100.030 are each hereby
10 amended to read as follows:

11 **Requests – acknowledgement – notice.**

12 A. A person may request a code interpretation by submitting a request in
13 accordance with this chapter. The director may also issue a code interpretation on the
14 director's own initiative.

15 B. A request for a code interpretation must be submitted in writing to the director
16 of the department with primary responsibility administering or implementing the
17 development regulation that is the subject of the request. If the person is uncertain as to the

18 appropriate department to which the code interpretation request should be submitted, the
19 person shall submit the request to the director of the department of development and
20 environmental services, who shall make the determination and forward the request to the
21 appropriate department, and notify the person as to which department is responsible for
22 responding to the request.

23 C. A code interpretation request must:

24 1. Be in writing and shall be clearly labeled "Request for Code Interpretation."

25 Failure to satisfy this requirement relieves the director of any obligation to acknowledge or
26 otherwise process the request;

27 2. Identify the person seeking the code interpretation and provide an address to
28 which correspondence regarding the requested code interpretation should be mailed;

29 3. Identify the specific section or sections of King County's development
30 regulations for which an interpretation is requested;

31 4. Identify ~~((that))~~ the parcel or site, if the code interpretation request involves a
32 particular parcel of property or site;

33 5. Identify the code enforcement action, if the code interpretation request involves
34 a code enforcement case;

35 6. Be accompanied by the fee required under K.C.C. 2.100.070; and

36 ~~((6-))~~ 7. Be limited to a single subject, which may require interpretation of one or
37 more code sections.

38 D.1. Within fifteen business days after receiving a code interpretation request, the
39 director shall acknowledge receipt of the request. The director shall mail the

acknowledgment to the person submitting the request at the address provided in the request. The acknowledgment shall include the following information, as applicable:

a. If the director determines that the code interpretation request does not contain the information required under this section, the director shall identify in the acknowledgment the deficiencies in the code interpretation request. In such a situation, the director is under no obligation to process the code interpretation request until a code interpretation request complying with this chapter is submitted;

b. If the director determines that the code interpretation request is ambiguous or unclear, the director may request that the person making the request to clarify the request. The director is under no obligation to process the code interpretation request until an adequately clarified code interpretation request is submitted;

c. ~~((The director is not obligated to further process the code interpretation request if))~~ If the director determines that the code interpretation request presents substantially the same issue as is pending before an adjudicatory body, such as the King County hearing examiner~~((;))~~, the King County council~~((;))~~ when acting as a quasi-judicial body~~((;))~~, any other quasi-judicial agency~~((;))~~ or any local, state or federal court~~((;))~~ ~~(If the director makes such a determination))~~, the director shall so state in the acknowledgment~~((; and t))~~. The director is then under no obligation to further process the code interpretation request; and

d. If a code interpretation is requested regarding an issue that the director has previously addressed through a code interpretation, the director is not obligated to issue another code interpretation and shall so state in the acknowledgment required by this section and shall identify the previous code interpretation.

63 2. If the director determines that the code interpretation request relates to a
64 particular parcel of property, the director shall cause notice of the code interpretation
65 request to be given to the taxpayer of record for the subject parcel.

66 3. If the code interpretation request relates to a specific development project
67 pending before the county, the director shall cause notice of the code interpretation request
68 to be given to all parties of record for that project, including the applicant.

69 4. The notice required under this section must include a copy of the code
70 interpretation request and a copy of the director's acknowledgment. Notice required under
71 this section may be by United States mail or other appropriate method of delivery.

72 SECTION 2. Ordinance 14033, Section 5, and K.C.C. 2.100.040 are each hereby
73 amended to read as follows:

74 **Procedure for issuance.**

75 A. A person may submit written analysis and supporting documentation to assist
76 the director in analyzing a code interpretation request.

77 B. The director may conduct research or investigation as the director deems
78 necessary to resolve the issue presented in the code interpretation request and may refer the
79 request to department staff and other county staff for review and analysis.

80 C. The director shall determine whether the code interpretation request relates to a
81 specific development project that is currently being reviewed by the county. If the director
82 determines that the code interpretation request relates to such a development project, the
83 code interpretation request shall be processed in accordance with subsection E₂ of this
84 section. If the director determines that the requested code interpretation does not relate to a
85 specific development project that is currently pending before the county or that the code

86 interpretation request relates to a code enforcement action, the code interpretation request
87 shall be processed in accordance with subsection F₂ of this section.

88 D. A code interpretation must be in writing, clearly labeled "Code Interpretation,"
89 and describe the basis for the interpretation.

90 E. The director shall review a code interpretation request that is determined to
91 relate to a specific development project that is currently pending before the county. The
92 director shall issue a preliminary decision to the person making the request within sixty
93 days after receiving the code interpretation request, unless the director determines that
94 based on the unusual nature of the issue additional time is necessary to respond to the
95 request. If the code interpretation request relates to a specific project for which a
96 development permit is pending before the department of development and environmental
97 services, the code interpretation shall be issued with the department of development and
98 environmental service's final decision on the underlying development project for a type 1 or
99 2 (~~(permit)~~) decision or with the department's recommendation on a type 3 or 4 (~~(permit)~~)
100 decision.

101 F. If a code interpretation request is determined by the director not to relate to a
102 specific development project that is currently pending before the county or that it relates to
103 a code enforcement action, the director shall issue the code interpretation within sixty days
104 after the director receives the code interpretation request, unless the director determines that
105 based on the unusual nature of the issue additional time is necessary to respond to the
106 request.

107 G. The director shall maintain a list of indexed code interpretations for public
108 inspection and post the index and code interpretations on a King County web site and
109 transmit a copy of each code interpretation to the clerk of the King County council.

110 H. For each code interpretation issued under subsection E₂ or F₂ of this section, the
111 director shall also mail copies of the code interpretation to the following:

- 112 1. A person who requested the code interpretation;
- 113 2. If the director determines that the code interpretation relates to a specific
114 development project that is pending before the county, to the applicant and all other parties
115 of record for that project. If the director determines the code interpretation relates to a
116 specific parcel of property, the director shall send a copy of the code interpretation to the
117 taxpayer of record for that parcel; and
- 118 3. Any person who has submitted written comments regarding the director's
119 review of the code interpretation request.

120 I. A code interpretation issued by the director is final and remains in effect unless
121 rescinded in writing by the director, or modified or reversed on appeal by the hearing
122 examiner, the King County council, or an adjudicatory body.

123 J. A code interpretation issued by the director governs all staff review and
124 decisions unless withdrawn or modified by the director or modified or reversed on appeal
125 by the King County hearing examiner, King County council, or an adjudicatory body.

126 SECTION 3. Ordinance 14033, Section 6, and K.C.C. 2.100.050 are each hereby
127 amended to read as follows:

128 **Administrative appeals.**

129 A. Except as provided in subsection B₂ of this section, the director's decision is
130 final.

131 B. If the director determines that a code interpretation is necessary for review of a
132 specific development project that is currently before the department, and the development
133 project is subject to an administrative appeal, any appeal of the code interpretation shall be
134 consolidated with and is subject to the same appeal process as the underlying development
135 project. If the director determines that a code interpretation request relates to a code
136 enforcement action, any appeal of the code interpretation shall be consolidated with and is
137 subject to the same appeal process as the code enforcement action. If the King County
138 hearing examiner makes the county's final decision with regard to the underlying permit or
139 other approval type regarding which the interpretation was requested, the hearing
140 examiner's decision constitutes the county's final decision on the code interpretation
141 request. The hearing examiner's decision on an appeal of a code interpretation that relates
142 to a code enforcement action constitutes the county's final decision on the code
143 interpretation request. If the King County council, acting as a quasi-judicial body, makes
144 the county's final decision with regard to the underlying permit or other approval type
145 regarding which the interpretation was requested, the King County council's decision
146 constitutes the county's final decision on the code interpretation request.

147 SECTION 4. Ordinance 14033, Section 9, as amended, and K.C.C. 2.100.900 are
148 each hereby repealed.

149 SECTION 5. Severability. If any provision of this ordinance or its application to

Ordinance

150 any person or circumstance is held invalid, the remainder of the ordinance or the
151 application of the provision to other persons or circumstances shall not be affected.
152

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, ____.

Ron Sims, County Executive

Attachments None